

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LOGAN P. ADAMS

Plaintiff

VS.

BUDGET TRUCK RENTAL, LLC, et al.

Defendant

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CIVIL ACTION NO. 1:19-cv-61

JURY TRIAL DEMANDED

DEFENDANT BUDGET TRUCK RENTAL, LLC'S NOTICE OF REMOVAL

Defendant Budget Truck Rental, LLC files this notice of Removal under 28 U.S.C. § 1446(a).

INTRODUCTION

1. Plaintiff is Logan P. Adams.
2. Defendants are Budget Truck Rental, LLC, and Fictitious Defendants A through I.
3. On June 27, 2018, Plaintiff filed suit against the Defendant in the County Civil Court at Law No. 2 of Travis County, Texas. Plaintiff has not identified the Fictitious Defendants A through I, nor has Plaintiff attempted to serve Fictitious Defendants A through I.
4. Defendant Budget Truck Rental, LLC was served on January 2, 2019 and timely filed its Original Answer on January 25, 2019 and requested a jury trial.
5. Plaintiff alleges negligence, gross negligence, and breach of contract state law causes of action against Defendant Budget Truck Rental, LLC.

6. Defendant Budget Truck Rental timely files this notice of removal within 30 days of actual receipt of Plaintiff's Original Petition.

7. In accordance with the Federal Rules of Civil Procedure and Local Rules for the Western District of Texas, the following documents are being filed contemporaneously with this Notice of Removal:¹

- (a) Executed service of process on Budget Truck Rental, LLC;
- (b) Copies of all state court pleadings;
- (c) Copies of all state court orders (none);
- (d) State Court docket sheet;
- (e) Federal Civil Cover Sheet;
- (f) Supplement to JS 44 Civil Cover Sheet²; and
- (g) List of all counsel, with addresses and telephone numbers.

8. Defendant requested and ordered certified copies of all state court pleadings in the state court proceeding on January 25, 2019. According to the Travis County Clerk, certified copies may only be sent by U.S. Mail and have not been delivered to the Defendant as of the date of filing of Defendant's Notice of Removal. Defendant will immediately supplement Defendant's Notice of Removal with certified copies of all state court pleadings as soon as they are delivered to the Defendant. Some of the documents appearing on the Travis County Docket Sheet were not available to Defendant to order and/or Defendant has not been served with them. Accordingly, they are not included with the Notice of Removal.

¹ The documents comprising (a)-(f) are attached as Exhibit "B."

² Per the Court's Standing Order, attached is one original and one copy.

BASIS OF REMOVAL

9. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Alabama and domiciled in Birmingham, Jefferson County, Alabama.

10. Defendant Budget Truck Rental, LLC is a Delaware Limited Liability Company with its principal place of business in Parsippany–Troy Hills, New Jersey, and whose sole member is Budget Rent A Car System, Inc. Budget Rent A Car System, Inc. is a Delaware Limited Liability Company with its principal place of business in Parsippany–Troy Hills, New Jersey, and whose sole member is Avis Budget Car Rental, LLC. Avis Budget Car Rental, LLC is a Delaware Limited Liability Company with its principal place of business in Parsippany–Troy Hills, New Jersey, and whose sole member is Avis Budget Holdings, LLC. Avis Budget Holdings, LLC is a Delaware Limited Liability Company with its principal place of business in Parsippany–Troy Hills, New Jersey, and whose sole member is Cendant Finance Holding Company LLC. Cendant Finance Holding Company LLC is a Delaware Limited Liability Company with its principal place of business in Parsippany–Troy Hills, New Jersey, and whose sole member is Avis Budget Group, Inc. Avis Budget Group, Inc. is a publicly traded corporation with its state of incorporation in Delaware and its principal place of business located in Parsippany–Troy Hills, New Jersey.

11. For purposes of determining diversity jurisdiction, the Court can disregard a party sued under a fictitious name (e.g., a “Fictitious Defendant” and/or “John Doe”) whose name and citizenship are unknown. 28 U.S.C. § 1441(b)(1). Thus, Fictitious Defendants A through I should be disregarded for purposes of determining diversity.

12. Plaintiff's Original Petition, filed on June 27, 2018, indicated Plaintiff is seeking between \$99,000.00 and \$199,000.00 in damages.

13. Copies of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).

14. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

15. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit is pending.

CONCLUSION

Complete diversity exists between Plaintiff and Defendant. The amount in controversy exceeds \$75,000.00. For these reasons, Defendant Budget Truck Rental, LLC asks the Court to remove the suit to the United States District Court for the Western District of Texas – Austin Division.

[Signature on the Next Page]

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, PC

By: /s/ Aaron Pool

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*Signature on file with the U.S. District
Clerk

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2019, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic system, electronic mail, and/or facsimile transmission.

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Plaintiff Pro Se

/s/ Aaron Pool

Aaron Pool